REMARKS

The above amendments and these remarks are responsive to the Office Action issued on October 21, 2005. By this response, claims 1, 2, 9 and 11 are amended. No new matter is added. Claim 5 was previously cancelled without prejudice. Claims 1-4 and 6-11 are now active for examination. The amendments at least reduce issues by presenting the claims in better form for consideration under 37 CFR 116(b), and do not raise any issues of new matter or any issue requiring further searches or consideration, entry under Rule 116 should be proper.

The Office Action rejected claims 2-4 and 9 under 35 U.S.C. §112, second paragraph as being indefinite. Claims 1-4 and 6-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tatsumi (JP2002178859) in view of Yehl et al. (EP0380037A3). The rejections are respectfully overcome in view of the amendments and/or remarks presented herein.

The Rejections under 35 U.S.C. §112, Second Paragraph Are Overcome

The Examiner rejected claim 9 for lacking proper antecedence. Specifically, the Examiner asserted that "the positive electrode" and "the negative electrode" do not appear in any claims on which claim 9 depends, and suggested that claim 9 should depend from claim 7. By this Response, claim 9 is amended to depend from claim 7, as suggested by the Examiner. It is submitted that claim 9 is now in appropriate form.

In rejecting claims 2-4 under 35 U.S.C. §112, second paragraph, the Office Action contended that the meaning of the description "naturalize static electricity" is unclear. Applicants respectfully disagree.

As described in page 1, lines 4-24 of the written description, "static electricity" is created by an imbalance of surface charges and usually causes discomforts to occupants of a vehicle. Devices that release ions have been found useful in *eliminating* or *reducing* the effects of static

electricity. Apparently, the meaning of "naturalize static electricity" as recited in the claims is comparable to eliminating or reducing the effects of the static electricity. It is submitted that the rejection of claims 2-4 under 35 U.S.C. §112, second paragraph is overcome.

The Obviousness Rejection of Claims 1-4 and 6-11 Is Traversed

Claims 1-4 and 6-11 were rejected as being unpatentable over Tatsumi in view of Yehl. The obviousness rejection is respectfully overcome because Tatsumi and Yehl cannot support a prima facie case of obviousness.

A *prima facie* case of obviousness under 35 U.S.C. § 103 requires three criteria be met. First, the prior art references, when combined, must teach or suggest all the claim limitations. Second, there must be some suggestion or motivation in the references themselves to modify the reference or to combine reference teachings. Third, there must be a reasonable expectation of success for the modification or combination of references. However, Tatsumi and Yehl do not meet these requirements.

Tatsumi's system seeks to eliminate or reduce the effects of static electricity caused by *physical contacts* between a vehicle occupant and vehicle parts, such as the driver's seat, door handles, ignition switch and/or window frames, when the occupant enters or exits the vehicle. These vehicle parts, including door knobs and an insertion port 19 of an ignition key 18, are located at the lower portion of the vehicle. According to Tatsumi, ion generators 8, 8' are disposed at locations ***near*** the vehicle parts that an occupant often *touches* when the occupant enters or exits the vehicle. See claim 1 of Tatsumi. Consequently, the ion generators 8, 8' also are disposed at the lower portion of the vehicle, to effectively eliminate the effects of static charges.

Although paragraph [0050] of Tatsumi suggests that an ion generator may be located at other parts of the vehicle, that paragraph should not be read in isolation. Rather, the meaning of paragraph [0050] can only be correctly construed by being read with the context of the Tatsumi disclosure. Thus, the correct reading of paragraph [0050] of Tatsumi should be that an ion generator may be disposed at other parts of the vehicle that an occupant may touch or come into contact when he or she enters or exits the vehicle, as discussed earlier.

On the other hand, Yehl describes clipping an ion generator 25 to a sun visor. In rejecting the claims, the Office Action contended that "[i]t would have been obvious to...locate the ion geneator(s) in other areas of the vehicle as suggested by Tatsumi, including the roof area of the vehicle as taught by Yehl." However, Tatsumi and Yehl cannot be properly combined as contended by the Office Action.

As discussed earlier, for an ion generator to work properly according to Tatsumi's disclosure, the generator needs to be disposed at the lower portion of the vehicle, where an occupant may touch or come into contact when entering or leaving the vehicle. Thus, Tatsumi, in fact, **teaches away** from disposing an ion generator at the upper portion of the vehicle, as alleged by the Examiner, or at anywhere that an occupant would not touch when entering or leaving the vehicle. Accordingly, the only valid combination of Tatsumi and Yehl is that an ion generator as described in Tatsumi being disposed near vehicle parts that an occupant may touch or come into contact, by using clipping devices as described in Yehl. Contrary to Tatsumi, an occupant *does not touch* a room lamp when he or she enters or exits the vehicle. Apparently, the combination of Tatsumi and Yehl, under the correct construction, fails to disclose "an ion generator disposed in a vicinity of a room lamp mounted to a central area of a roof inside the vehicle to allow ions, generated by the ion generator, to be oriented toward an occupant, thereby

neutralizing static electricity charged to the occupant," as described in claim 1, and therefore cannot support a prima facie case of obviousness. Hence, the obviousness rejection of claim 1 is untenable and should be withdrawn. Favorable reconsideration of claim 1 is respectfully requested.

Claims 2-4 and 6-10, directly or indirectly, depend on claim 1 and incorporate every limitation thereof. Since claim 1 is patentable over Tatsumi and Yehl, claims 2-4 and 6-10 also are patentable over Tatsumi and Yehl by virtue of their dependencies on claim 1 as well as based on their own merits. Favorable reconsideration of claims 2-4 and 6-10 is respectfully requested.

Claim 11 describes a vehicular neutralization apparatus comprising ion generating means disposed in at least a vicinity of a room lamp mounted to a central area of a roof of a vehicle and an area in a vicinity of the roof inside the vehicle, and controlling means for controlling the ion generating means to supply the ions generated by the ion generating means. As discussed earlier relative to claim 1, a proper combination of Tatsumi and Yehl fails to disclose positioning an ion generator near a vicinity of a room lamp mounted to the roof of a vehicle. Accordingly, the combination of Tatsumi and Yehl does not disclose "ion generating means disposed in at least a vicinity of a room lamp mounted to a central area of a roof of a vehicle and an area in a vicinity of the roof inside the vehicle," as described in claim 11. Therefore, claim 11 is patentable over Tatsumi and Yehl. Favorable reconsideration of claim 11 is respectfully requested.

Conclusions

For the reasons given above, Applicants believe that this application is in condition for allowance, and request that the Examiner give the application favorable reconsideration and permit it to issue as a patent. If the Examiner believes that the application can be put in even

better condition for allowance, the Examiner is invited to contact Applicants' representatives listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Wei-Chen Chen.

Wei-Chen Nicholas Chen
Registration No. 56,665

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 WNC:ct
Facsimile: 202.756.8087
Date: January 4, 2006

Please recognize our Customer No. 20277 as our correspondence address.